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TENNESSEE VALLEY AUTHORITY  
U. S. ENVIRONMENTAL PROTECTION AGENCY  
TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION

QUARTERLY PUBLIC MEETING

NOVEMBER 8, 2012

ROANE COUNTY HIGH SCHOOL  
KINGSTON, TENNESSEE

## 1 APPEARANCES :

2  
3 CRAIG ZELLER, EPA

4 CAROLYN HUNTER, TVA

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1                   CRAIG ZELLER: Welcome back to  
2                   Roane County High School. My name is  
3                   Craig Zeller and I'm the EPA manager in  
4                   charge of the Phase 2 and Phase 3  
5                   components of the TVA ash cleanup project.  
6                   Tonight we're going to kind of talk about  
7                   Phase 3. Some folks have been hearing a  
8                   lot about it in the paper, listening to it  
9                   on the news, as far as some projections  
10                  we've made and some decisions that have  
11                  been made on the actual third and final  
12                  decision for this project. Give me the  
13                  next slide.

14                 A little background on what we're  
15                 going to talk about tonight. First of  
16                 all, I want to kind of give you all just a  
17                 little brief update. One slide, two  
18                 slides, I think I have 17 total slides  
19                 here. I hope to keep this to 30 minutes  
20                 or less. I'm going to give you a little  
21                 bit of update on where we're at, current  
22                 status, the Phase 1 dredging work that's  
23                 been done, Phase 2 work that's ongoing and  
24                 then we're going to kind of shift gears  
25                 into the Phase 3, river system sampling

1           analysis plan stuff and kind of provide  
2           some summaries of what we've found with  
3           regard to risk assessment for human health  
4           and ecological risk. Kind of review the  
5           alternatives that we talked about back in  
6           August as far as the alternatives that we  
7           developed and evaluated to address those  
8           ecological and human health risks and then  
9           get into really the selected remedy which  
10          is Alternative 1, Monitored Natural  
11          Recovery. You've read that in our press  
12          releases and on the news.

13                 So where are we at? As you recall  
14          this project is being cleaned up under  
15          Superfund authority. It's not a Superfund  
16          site. It's not on the national priorities  
17          list, but we are using the CERCLA or  
18          Superfund authority to clean this up.

19                 We did split it up into three  
20          phases, was kind of our strategy on this,  
21          the framework. The first phase was the  
22          actual dredging work. You all remember a  
23          colleague of mine, Leo Francendese, that  
24          was in charge of that. It was about an  
25          18-month project, 3 and a half million

1 cubic yards of ash. 4 million tons of ash  
2 then was processed on site, put on 414  
3 trains, ran 320 miles or so down to the  
4 Arrowhead Landfill in Alabama. And the  
5 river was -- that work was largely  
6 completed in May of 2010. The last train  
7 arrived in Arrowhead the first of December  
8 of 2010. So that phase has been done.

9 Phase 2 is ongoing. It started  
10 immediately after the Phase 1 work. The  
11 Phase 2 work, as you recall, is getting  
12 all the material out of the north  
13 embayment and the middle embayment. It's  
14 kind of shallow backwaters of Watts Bar.  
15 That was dealing with around 2.8 million  
16 cubic yards of material. Based on  
17 previous engineering evaluation, cost  
18 analysis work that was done in May of  
19 2010, the decision was to put that stuff  
20 back in a re-enforced cell to withstand  
21 seismic or earthquake loading. I've got  
22 another slide to kind of tell you where  
23 we're at on that.

24 Then Phase 3 is really the purpose  
25 we're here tonight is to talk about when

1           Leo pulled the dredges out of the river,  
2           there was an estimated 500,000 cubic yards  
3           of material that was remaining in the  
4           river system, primarily in the lower Emory  
5           River. The reason that material was kind  
6           of left there for me, I guess, was that it  
7           is commingled with some Cesium 137 legacy  
8           waste that came from the DOE, Department  
9           of Energy complex up there at Oak Ridge  
10          and so we thought we'd take a couple of  
11          years and just study, you know, what the  
12          risks are posed by this material. Next  
13          slide, please, Michael.

14                 Where are we at on Phase 2? Phase  
15          2 is ongoing. It's been going -- we've  
16          been at it here for a couple of years.  
17          We're making real good progress. I think  
18          the first thing we accomplished was  
19          getting the north embayment ash free.  
20          It's the body of water that sits north of  
21          Swan Pond Circle Road, 60 or 70 acres in  
22          size. We worked on it the majority of  
23          2011. By the end of 2011, we had pulled  
24          just over a million cubic yards of  
25          material out there. Through confirmation

1           sampling, we're looking at making sure  
2           that we're getting down to native  
3           material, brown dirt. EPA and TDEC  
4           declared that excavation sufficient and  
5           largely ash free by the end of 2011. It  
6           now is full of water.

7                       We then shifted our focus this year  
8           into the middle embayment. The middle  
9           embayment is going real well. We've got  
10          it about, what, about 73, 75 percent  
11          complete. We hope to have the majority of  
12          ash, the bulk of the ash completed, the  
13          excavation in that area by the end of this  
14          calendar year. We'll probably still be  
15          doing some more removals up through the  
16          spring. That body of water, the middle  
17          embayment, won't be filled with water  
18          really until the end of the project  
19          because we're still trying to tap and  
20          close this cell. We've got about another  
21          300,000 or so to go. As long as the  
22          weather holds, we hope to be done with the  
23          majority of that by the end of the year,  
24          certainly by early 2013.

25                      We've been scraping the top of the

1 relic. The top of the relic has to come  
2 down. That's the body of the ash cell  
3 that did not move during the slide. For  
4 those that have been by the site here  
5 recently, you can see where we're kind of  
6 shaving that corner on the south, what is  
7 that, west corner there right by the  
8 railroad tracks so the perimeter wall can  
9 come around there. You can see that's  
10 starting to cut down considerably moving,  
11 god, 5, 6, 7000 cubic yards a day from  
12 that area. So it's really changing day to  
13 day.

14 All that ash then is going back  
15 into the dredge cell. We've got -- of all  
16 the ash that we've excavated, a little  
17 over 2 million of cubic -- 2 million cubic  
18 yards of ash being placed back in the  
19 cell. It's being laid out in small 1- to  
20 2-foot lifts with bulldozers and then  
21 rolled with a smooth drum roller. We hope  
22 to be done with all the ash stacking and  
23 excavation in late 2013.

24 Once all the excavation is done,  
25 once the ash has been placed back in the



1 cell, we have to finish the wall. All  
2 right. You remember there's an  
3 11,500-foot wall, 2 miles around this  
4 thing, that is going down 50 to 70 feet  
5 and that's been designed to withstand  
6 seismic loading. What was one of the  
7 contributing factors in this failure in  
8 the first place was liquefaction of  
9 foundation ash. So this wall is going  
10 down into the bedrock to make sure that if  
11 these design quakes happen that we won't  
12 have what occurred back in December 22,  
13 2008.

14 The wall is going actually really  
15 well. We're out there on what we call  
16 Segment 2, it's along the river, river  
17 front. It's over -- we started full scale  
18 construction on the wall in July of 2010.  
19 We're about 50 percent, 52 percent done.  
20 So we hope to be done with that maybe late  
21 2013. It might bump into 2014.

22 Once we're done with the wall, the  
23 very last piece of work we're going to do  
24 out here is really kind of more civil  
25 engineering. This landfill will be capped

1           and closed like virtually every other  
2           municipal solid waste landfill. It's  
3           going to get a 40-millimeter thick liner.  
4           About 220 some acres of liner has got to  
5           be placed down. Then all the seams have  
6           got to be welded so it's impermeable. On  
7           top of the liner will go a drainage layer.  
8           On top of the drainage layer will go 2  
9           feet of clay. Then it will be seeded and  
10          grassed and then closed out for good.

11                 All that clay, it's going to be a  
12           million cubic yards of clay. We'll be  
13           doing most of this work in calendar year  
14           2014. All that clay is coming from  
15           property that TVA has purchased. It's the  
16           Gupton Farm just north of Swan Pond Circle  
17           Road. All those clay trucks will not be  
18           on Swan Pond Road or Swan Pond Circle  
19           Road. They're actually going to be on our  
20           job site. We won't be bothering you with  
21           that construction traffic.

22                 So we're actually kind of coming up  
23           on the fourth year anniversary. Like I  
24           said, we've probably got about another two  
25           years to go. It looks a lot different.

1           It looks a heck of a lot better than it  
2           did. That's for sure. I think some of  
3           the -- my pointer is not working very  
4           good.

5                     Here is what I want to point out.  
6           This is the north embayment. This is  
7           where I said excavation here was completed  
8           in 2011. We're now working in this area.  
9           Those that frequent these roads often, you  
10          can start to see a lot of brown dirt out  
11          there. That's a good thing. That means  
12          that we're getting down to the original  
13          bottom.

14                    There are some interesting features  
15          showing up in this western section of the  
16          middle embayment. If you've been by  
17          there, you see a bunch of little rock  
18          holes or rock piles and little pits and  
19          bunkers. Those are actually fish habitat,  
20          fish structure that's being put back in  
21          that middle embayment so we can encourage  
22          the fish to come back in when water comes  
23          back in this area.

24                    All the material that's being  
25          excavated from the north embayment and

1 from the middle embayment is being stacked  
2 in this general area. This is the central  
3 cell. There's about 1.3 million cubic  
4 yards been put back in here. This is what  
5 we call the lateral expansion. I think  
6 the numbers on that were around 800,000.  
7 We've got about 400,000 in here.

8 So the section of wall, this  
9 section of wall is completed, this section  
10 of wall is completed and we're working  
11 right along here now. Then starting, oh,  
12 early December, we're going to start  
13 running down this corridor. So wall  
14 construction is going real well. Like I  
15 said, about half, half completed. Let me  
16 back up to one more thing.

17 One thing I wanted to point out is  
18 you will see a lot of movement in this  
19 area. This corner of the relic is being  
20 cut down considerably so we can get our  
21 wall to turn around and make this corner  
22 here. We had to get that back a little  
23 bit. All right. Next slide, please.

24 Okay. So moving on. That's kind  
25 of the Phase 1, Phase 2 updates. So what

1           are we doing with regard to Phase 3.  
2           Phase 3 was a two-year, \$40 million study,  
3           again, to kind of focus on the residual  
4           ash that was left after Phase 1. It  
5           covered I believe a big area. It was  
6           about 6 miles of the Clinch River. Here's  
7           the confluence -- or excuse me. 6 miles  
8           of the Emory River. Then the Emory River  
9           hits the Clinch and it was about 4 miles  
10          of the Clinch and then, you know, 4 or 5  
11          or 6 miles of the Tennessee River was kind  
12          of our study area. Next slide, please.

13                 As I've mentioned before, it was  
14                 kind of the mother of all eco studies. It  
15                 was certainly the biggest study I've ever  
16                 overseen for EPA. Again, two years, \$40  
17                 million, 16,000 samples. Of those samples  
18                 that were collected, there was almost a  
19                 half a million analyses done on that work.  
20                 It was 20 different measurement endpoints  
21                 on the biology side. It was six species  
22                 of fish, four species of birds, three  
23                 species of turtles, three species of  
24                 frogs, raccoons, mayflies, snails and  
25                 water plants, or aquatic vegetation.

1           That's what was actually analyzed for coal  
2           ash related constituents.

3           In addition to all that work, it  
4           involved -- there was also a multi kind of  
5           disciplinary of people. Besides state and  
6           federal agencies involved that are all  
7           listed here, TDEC, TWRA, Oak Ridge  
8           National Labs, USGF, the Corps, Fish and  
9           Wildlife Service, it also involved about  
10          ten universities that were brought. It  
11          kind of involved some independent folks.  
12          Virginia Tech was involved with tree  
13          swallow work, Tennessee was involved with  
14          raccoons, too, and Appalachian State was  
15          doing some work, as well. Next slide,  
16          please, Michael.

17          In addition to all the biology that  
18          I mentioned, 20 different things were  
19          actually sampled for ash-related  
20          constituents. There was also what we call  
21          the abiotic side, just, you know, the  
22          nonliving things that are involved. You  
23          know, what's the groundwater quality like  
24          in the cell. I think I showed you a slide  
25          from the previous public meeting we had

1           that the groundwater quality in the cell  
2           largely meets drinking water standards.

3           There were literally thousands of  
4           samples collected for surface water. All  
5           right. We're very interested in the  
6           quality of the water in Watts Bar  
7           Reservoir and the Emory River and the  
8           Clinch River to make sure it's protected  
9           and meets Tennessee water quality  
10          standards.

11          There was a bunch of work done with  
12          mapping ash. There was hundreds of  
13          samples collected looking for where is the  
14          ash, where is it located in this river  
15          system. In addition to, you know, mapping  
16          where the ash is at, there was also very  
17          extensive sediment transport modeling that  
18          was done. It was called two-dimensional  
19          modeling. So it was in the X and Y, you  
20          know, dimensions. We went to the U. S.  
21          Army Corps of Engineers for that. It's an  
22          outfit called the Engineer Research and  
23          Development Center. They're out of  
24          Vicksburg, Mississippi. It was a very  
25          extensive modeling effort that was done.

1           It actually ran on one of the high  
2           performing computers down there, DOD. I  
3           think some of the runs were taking on the  
4           order of days to actually run these  
5           simulations. So it was pretty -- there  
6           was a lot of science thrown at this study.  
7           A lot of that modeling work was done to  
8           help or at least to evaluate what  
9           monitored action recovery would look like,  
10          where does sediment and ash go over a  
11          30-year period if we just leave it alone.  
12          There was a lot of sediment toxicity work  
13          that was done. I think I mentioned, you  
14          know, the living organism work that was  
15          done.

16                 So where is this ash? Well, we've  
17          discovered, you know -- at the end of  
18          Phase 1 our estimates where we think  
19          there's about 500,000 cubic yards out  
20          there, once we went and did, you know, the  
21          more extensive studies, we were pretty  
22          close. Our estimate is about 510,000  
23          cubic yards over about 200 acres of this  
24          river system. 85 percent of that material  
25          is in the Emory River, the lower reaches



1 of the Emory River, kind of really the  
2 last 3 miles or so from the plant on down  
3 to the Clinch River. That didn't surprise  
4 us because a good chunk of that area was  
5 not dredged by Leo and TVA in the first  
6 Phase 1 dredging operations.

7 About 50 percent of that material  
8 is in the upper section of the Clinch here  
9 just downstream of the Emory. As we  
10 talked back in the public meeting on  
11 August 21st about the EE/CA, this is the  
12 area where we have a lot of commingled  
13 cesium.

14 The interesting part about this --  
15 and people have asked me this and for  
16 those who don't know, I'll go over this  
17 real quick. When the fossil plant was  
18 constructed in the '50s, the early '50s,  
19 there was an underwater weir that was  
20 constructed here right at the bottom of  
21 the Clinch. The Clinch River water is  
22 colder than Emory River water and that's  
23 what TVA would like to use for their  
24 cooling water.

25 So when this plant is operating at

1           or near capacity, burning all nine burners  
2           and river flows in the Emory are low, this  
3           section of the Emory actually runs  
4           upstream. Okay. It actually would be a  
5           kind of a suction process. It actually is  
6           sucking that colder Clinch River up there  
7           -- water up there for cooling water. And  
8           that's how through that sucking process or  
9           that kind of vacuuming, that's how all  
10          that stuff that was coming down the Clinch  
11          from DOE kind of got sucked up in here  
12          through that hydrodynamic process. Next  
13          slide, please.

14                 So after all this data was  
15          collected, there was a tremendous amount  
16          of effort that went in to say, okay, what  
17          does it mean? Okay. It's always easy to  
18          collect the data, but sometimes it's not  
19          so easy to put it into the filters and try  
20          and assess what's this mean from a human  
21          health and ecological risk standpoint.

22                 Everything checked out fine. I  
23          mentioned there were 20 species that were  
24          actually analyzed for coal-related  
25          constituents, coal ash-related

1 constituents. At the end of the day when  
2 we looked at all this stuff, what we're  
3 left with here is a low to moderate risk  
4 for bugs. The fancy term, the 50 cent  
5 term is benthic macroinvertebrates. We  
6 looked at two types of bugs. One was  
7 called *hyalella azteca*. It's an  
8 anthropoid that lives in sediment. The  
9 other one was *chironomus dilutus*. It's a  
10 midge that also lives in the -- you know,  
11 in that. There's a mayfly.

12 What we saw was when you're doing  
13 these environmental studies, it's always  
14 important to compare how things perform in  
15 what you think are the impacted areas and  
16 then compare them to how these bugs are  
17 performing in the unimpacted area. And  
18 what we saw here, there was a little  
19 difference between how the bugs grew and  
20 how the bugs survive. They did grow, they  
21 did survive, but just not as well as they  
22 did in the background stations, or the  
23 reference stations, the stations not  
24 impacted by this coal ash release. We  
25 also saw a very low risk to any birds that

1           may eat those bugs that emerge from the  
2           sediment. Okay. Primarily we're talking  
3           about the tree swallow and this killdeer.

4           So that's kind of what we're -- you  
5           know, the summary. The take home message,  
6           I think, on the ecological risk is a lot  
7           of things sampled. Fish checked out okay,  
8           birds checked out okay, frogs, turtles,  
9           vegetation, mayflies, snails all looking  
10          pretty good. We're left with just a  
11          little bit of risk here with the bugs that  
12          live in the sediment.

13          I think it's important to know or  
14          to note that these were laboratory tests.  
15          All right. We took sediment, took them  
16          back to the laboratory and performed these  
17          tests for growth and survival. So we  
18          showed a little bit of difference in the  
19          laboratory. But once you went to the  
20          field -- we went to the same locations in  
21          the field where that sediment was  
22          collected and then actually looked in the  
23          field to see how they did.

24          Once we scooped sediment from those  
25          areas in the field showing some low to

1 moderate toxicity, there were lots of  
2 bugs, so plenty of abundance, and there  
3 was also varied types or many types of  
4 bugs. So there's also a lot of diversity.  
5 So we're seeing the abundance and the  
6 diversity actually in the field. We're  
7 showing some of the toxicity actually in  
8 the laboratory. So that's why when we say  
9 low to moderate, that's what kind of leads  
10 us there. Again, laboratory may be an  
11 impact; in the field we're not quite  
12 seeing that.

13 The next slide in regard to human  
14 health. I guess really no big surprises  
15 for us here. We did open the river for  
16 recreation back in May of 2010. So we  
17 kind of assumed that recreation was going  
18 to be okay or we wouldn't have done that.  
19 EPA and the State would not have opened it  
20 up for recreation. Our human health risk  
21 assessment that was done as part of this  
22 work did confirm that, yes, recreation is  
23 fine, beachcombing is fine. Use the  
24 resource. There are no risks. All right.  
25 There are acceptable risks associated with

1           that. There are no risks associated with  
2           the residual ash.

3                   What we did confirm is that there  
4           was a fish advisory on this water body  
5           prespill. That fish advisory was on the  
6           water body because, again, legacy issues  
7           associated with Oak Ridge, primarily  
8           because of PCBs and mercury. So our  
9           study did confirm that, yes, that fish  
10          advisory or that continued fish advisory  
11          is still warranted. So we would caution  
12          people to limited the amount of fish that  
13          they eat. In some species it's a flat out  
14          do not eat and other species it's kind of  
15          eat just one meal a month. So we would  
16          caution you to still heed that advice.

17                   Our study did agree rather well  
18          with the Comprehensive Medical Screening  
19          work that was done by Oak Ridge Associated  
20          Universities. That work was done and  
21          released in August of 2010. You know, as  
22          you recall, I think there was about 210  
23          individuals that were screened for --  
24          using urinalysis work, using blood work,  
25          using cardiopulmonary work, it was a full

1           medical screening. That ORAU study  
2           indicated or included no adverse health  
3           impacts because of the spill. That was  
4           also consistent with the Tennessee  
5           Department of Public Health Assessment  
6           that was released in 2010, as well.

7                       So we went through all this. I was  
8           last up here talking about these  
9           alternatives and our findings, I believe  
10          the meeting up here was August 21st. We  
11          developed then -- you know, so we have  
12          these low level ecological risks that have  
13          to be addressed. So I have an ecological  
14          risk trigger that Superfund, my law that I  
15          work under, says I have to do something  
16          about, develop remedies to remediate or  
17          eliminate that risk.

18                      So here is what we intend to do  
19          with our selected remedy. We want to  
20          protect those invertebrates or that bug  
21          population because of arsenic and selenium  
22          that are related to the ash content. We  
23          talked about the birds, that the birds  
24          that potentially eat those bugs might have  
25          a low level risk. We also want to protect

1           those shoreline feeding birds and aerial  
2           feeding birds that are potentially eating  
3           insects coming out of that sediment  
4           interface.

5                     We want to restore the ecological  
6           function and recreational use back to  
7           pre-release conditions. I would say that  
8           we've already restored the recreational  
9           use and in a number of years, we hope to  
10          get the ecological function back to that  
11          pre-release condition, as well.

12                    Then lastly is that if we generate  
13          waste, if we decide to dredge or we  
14          decided to do something to actually try to  
15          move this material, we make sure that we  
16          handle that material properly in  
17          accordance with all the state, local and  
18          federal regulations.

19                    So back in August we talked about  
20          and we offered up for public comment, you  
21          know, here were the three alternatives  
22          that we proposed and actually released for  
23          public comment. We were very interested  
24          in what you folks -- what you wanted to  
25          do. So this was ranging from, say, the



1           least costly and the least intrusive to  
2           the most costly and the most intrusive.

3           Alternative 1 is monitored natural  
4           recovery. It's a fancy term for we're  
5           going to leave it to nature, let it cover  
6           it up and we're going to monitor it, you  
7           know, over a period of time to see how  
8           this system responds and recovers with  
9           time.

10          The second alternative that we  
11          proposed for y'all to consider were  
12          actually capping remedies. We had kind of  
13          an Alternative 2A which capped it all for  
14          a cost of about \$45 million. Then we had  
15          kind of an optimized capping remedy that  
16          capped just 160 acres or a fraction of  
17          that material in the areas of greatest  
18          ecological significance. It was a little  
19          cheaper, around 39 million.

20          Then on the high end there, our  
21          removal alternative that we looked at was  
22          dredging, kind of more of the same that  
23          was done in Phase 1. We had -- again,  
24          kind of like the Alternative 2 series, we  
25          had a let's dredge it all, 440,000 cubic

1 yards at about a cost of about 180  
2 million. Then we added Alternative 3B  
3 which was, you know, again, kind of dredge  
4 -- dredge the areas of greater ecological  
5 significance. That cost would be 4  
6 million.

7 So we ran -- we had originally set  
8 up a 30-day public comment period that was  
9 going to run from August 9th to  
10 September 10th. We had numerous requests  
11 for an extension on that. We got requests  
12 for extensions from Ron Woody, the Roane  
13 County CAG as well as the ERB, Roane  
14 County Environmental Review Board. We  
15 said sure. We extended that an additional  
16 30 days and we ran a total of 60 days of  
17 comments on this from August 9th to  
18 October 10th.

19 When the comment period expired, we  
20 looked at what we got. We got a total of  
21 five comments. We got three -- or two  
22 comments from the Roane County  
23 Environmental Review Board and we got a  
24 set of comments from the Roane County  
25 Community Advisory Group. Members of all

1 of these groups are here tonight. Then we  
2 got comments from three individuals. Lynn  
3 Roberson, I think I saw her floating  
4 around out there. Hi, Lynn. Then Don  
5 Simon who is a CAG member submitted a set  
6 of comments as a private citizen as did  
7 Joni Morgan and Joni is sitting over  
8 there.

9 So three of the folks supported  
10 Alternative 1. Roane County ERC went on  
11 the record as supporting Alternative 1,  
12 monitored natural recovery. Roane County  
13 CAG went on record as supporting monitored  
14 natural recovery. Joni Morgan in her  
15 comment says that private citizens  
16 supported monitored natural recovery.  
17 Lynn and Don didn't explicitly state a  
18 reference for that.

19 In the action memo that we  
20 approved, TVA prepared and EPA and TDEC  
21 approved, it was released on Wednesday,  
22 yesterday, I guess. Besides the action  
23 memo that describes the selected  
24 alternative, which is Alternative 1,  
25 monitored natural recovery, we do have

1           responses to every comment received. All  
2           right. I will say please read them. You  
3           know, that's our official response to how  
4           we think we addressed the comments that  
5           were received on this thing.

6                     There were -- kind of in a general  
7           rule there were two kind of comments  
8           received. There were comments  
9           specifically related to the engineering  
10          evaluation, cost analysis stuff that is  
11          Phase 3, river system stuff that I have  
12          the authority to address. Those comments  
13          were generally -- we would like a 30-day  
14          comment period on the action memo. Once  
15          it's signed, we will grant that. I'll  
16          show that on the next slide.

17                    We had a comment also that came  
18          from ERB and the CAG that they would like  
19          us to have formal public meetings  
20          regarding the annual monitoring. When the  
21          annual monitoring program, the data is  
22          released, they requested that we have  
23          formal meetings on that to talk about it  
24          and discuss it. We're certainly not  
25          opposed to that. We will entertain that.

1 I think we're going to take that, you  
2 know, kind of year by year. If there is a  
3 tremendous amount of interest, we will  
4 certainly have forums just like this where  
5 we talk about data. Because I get really  
6 excited about this stuff, so I don't have  
7 any problem with that.

8 If the interest isn't as much, we  
9 will certainly meet individually with the  
10 ERB. We fully plan to continue to  
11 cooperate and coordinate with the CAG.  
12 We're committed to doing that, if we need  
13 to do so. But at the very least  
14 absolutely those monitoring reports will  
15 be released as part of the public record.  
16 They will be posted on the EPA webpages  
17 and they will be posted at TDEC and TVA  
18 webpages. You know, they won't be a  
19 surprise. We won't sneak up on you.  
20 We're not going to try to hide this data  
21 from you.

22 So, you know, probably not a lot of  
23 suspense here. You've already read about  
24 it in the paper. After considering all  
25 those things, we have decided, EPA has

1 approved and TDEC has concurred to go with  
2 monitored natural recovery for this.

3 I think it's important to note that  
4 there was a precedent set back in the '95,  
5 '97 time frame. DOE has done similar  
6 studies. DOE has been up here in this  
7 area for decades looking at their legacy  
8 issues in the Clinch River system and the  
9 Watts Bar Reservoir. They issued similar  
10 decisions, what they called records of  
11 decision in '95 and '97 very similar to  
12 what the remedy is, which is a monitored  
13 natural recovery remedy.

14 I think the big thing that we have  
15 going for us besides that precedent that  
16 has been established is that through this  
17 two-dimensional modeling, this sediment  
18 transport modeling that I discussed, this  
19 system is net deposition. All right.  
20 It's a lake. It's a big bathtub. It's  
21 39,000 acres, 770 miles of shorelines. If  
22 you take the system as a whole, Watts Bar  
23 is going to accumulate sediment over time.  
24 If you look at the whole lake, it's about  
25 a half-inch a year over our 30-year

1 simulation.

2 If you look at the areas that we're  
3 most interested in where this ash is  
4 currently at, in the Emory River reach  
5 we're looking at, you know, upwards of 50  
6 or 60 inches which, what is that, 5 feet  
7 of sediment over 30 years. That's a good  
8 cap. Down in the Clinch River, you know,  
9 we're looking at anywhere from 10, 12, 14,  
10 16 inches, you know, of material coming in  
11 over the 30-year period. So about a foot  
12 over the 30-year period.

13 So that is the material, the fresh  
14 load coming from the Emory River and the  
15 Clinch that we're going to be relying on  
16 to mix with the sediment out there and to  
17 provide us that protective cover for the  
18 bugs.

19 There's been a lot talked about on  
20 this 50 percent ash mixture. It is not a  
21 clean-up goal for us. We have numerical  
22 clean-up goals established for sediment  
23 and selenium and we also have tissue  
24 monitoring end points where we're going to  
25 be looking at concentrations in the bugs

1           and in the mayflies to make sure that  
2           they're protected and the birds that may  
3           eat them.

4                   But what we have seen is that in  
5           our sediment tox tests in the lab that I  
6           mentioned is that once you get below this  
7           50 percent mixture, if you have 60 percent  
8           native sediment and 40 percent ash, the  
9           bugs seem to do okay. So it's kind of a  
10          rule of thumb that we're using. It's kind  
11          of one of those, let's say, non-numerical  
12          targets, it's a non-enforceable goal, but  
13          it's what we're trying to get to because  
14          we've seen some evidence that once you get  
15          to that mixture level of that kind of one  
16          to one, everything seems to perform okay  
17          and behave properly.

18                   So our modeling suggests that  
19          that's going to take about 10 years. One  
20          of the big things that this remedy -- I  
21          think one of the big advantages that it  
22          has going for it, if you compare it to  
23          Alternative 2 and Alternative 3 and we  
24          talked about this in the tradeoffs, is  
25          that you can spend \$50 million to cap it,



1           you can spend \$180 million to dredge it.  
2           We've proven that you can dredge this  
3           material. We've proven on other jobs  
4           that, yes, you can cap this material. But  
5           by the time you build the infrastructure  
6           to support those remedies and by the time  
7           you actually perform those remedies, you  
8           don't really appreciate or really  
9           accelerate that time to achieve  
10          protection. Okay.

11                 You might buy yourself a couple of  
12          years, but is that risk reduction for that  
13          money spent, is that really worth it? And  
14          I think because the risks here are rather  
15          low, all those factors have really been  
16          considered into EPA as well as TDEC's, you  
17          know, preference to go in here with  
18          monitored natural recovery.

19                 Now, going forward what's the big  
20          thing we have left to do? For Phase 3 the  
21          big thing we have left to do is to develop  
22          the long-term monitoring plan. Okay.  
23          What are we going to monitor for up to 30  
24          years? We're going to do this annually  
25          and every five years we're going to take a

1           step back through a process called  
2           five-year reviews and we're going to ask  
3           ourselves, is our monitoring program still  
4           telling us, giving us the information, you  
5           know, we're looking for.

6                     This plan has not been developed.  
7           The initial meeting that EPA, TDEC and TVA  
8           are going to sit down and talk about this  
9           is scheduled for early January. Once we  
10          kind of start getting -- we have a real  
11          good start, we think. I can tell you  
12          right now that what's going to be in the  
13          monitoring program is probably at seven  
14          locations. There are going to be four  
15          locations in the Emory, two locations in  
16          the Clinch and then we'll have to pick a  
17          background station. So at seven areas  
18          we're going to be monitoring sediment  
19          concentrations, mayfly concentrations,  
20          again, bugs that live in the sediment and  
21          then, you know, also these high level  
22          azteca, the anthropoids as well as the  
23          midge and fish. We realize people are  
24          interested in fish, people catch fish.  
25          You know, we're going to be monitoring,

1           you know, fish for a number of years to  
2           see how, you know, any concentration  
3           trends are going to, you know, turn out  
4           with them. So I can tell you with about  
5           100 percent certainty those things will be  
6           in that monitoring plan.

7                     We will likely redo the sediment  
8           transport work every say five years to  
9           make sure that the initial model  
10          predictions that we now have are kind of  
11          matching up to what we're seeing. And  
12          we've predicted upwards of 5 feet in the  
13          Emory, we've predicted a foot in the  
14          Clinch. We're going to reevaluate that  
15          with bathymetry, you know, looking at the  
16          lake bottom to see that the model  
17          predictions are actually adding up and  
18          agreeing with what we're actually seeing  
19          in the field.

20                    So I will commit that once that  
21          monitoring plan kind of gets approved and  
22          blessed by EPA and TDEC, I will commit to  
23          putting that out to the CAG and ERB if you  
24          all are interested in looking at that, to  
25          continue our public interaction here.

1           Before we finalize that, I will commit to  
2           throwing that out to you all and giving  
3           you a crack and see if you think this  
4           monitoring plan is sufficient. We've got  
5           no problem with that.

6           The monitoring on average is, what  
7           did we say, \$550,000 a year for 30 years  
8           or so. If you then bring that all back  
9           into a net present value in today's 2012  
10          dollars, the net present value of that is  
11          about \$10 million. I think I'm about  
12          done. I've got two more slides, Michael.

13          All right. So where are we at? As  
14          I mentioned there was a request from our  
15          commenters that they wanted another  
16          opportunity to comment on the selected  
17          remedy. We have granted that. We're  
18          going to start the comment period  
19          tomorrow. Right? The 9th is tomorrow.  
20          We're going to run that 30 days through  
21          the 8th. Beside written comments we'll  
22          take during that 30-day comment period,  
23          the reason we have a court reporter here  
24          tonight is that you can stand up tonight  
25          and grab one of these microphones and our

1 court reporter will record your comment  
2 for the record.

3 If you prefer e-mail, please send  
4 them to that e-mail address. That's the  
5 same e-mail address we used for the 60-day  
6 comment period. If you prefer snail mail,  
7 please use that P. O. Box.

8 All this information is available  
9 in these following places. TVA's webpage,  
10 my webpage, we have an information  
11 repository set up at the Kingston and  
12 Harriman libraries. If you'd like to have  
13 your own personal copy -- some people have  
14 taken us up on this. If you want your own  
15 digital copy, we have some people in TVA  
16 that will get you your own CDs on that  
17 thing.

18 So if you're interested, I  
19 encourage you to read our responsiveness  
20 summary, how we addressed the comments  
21 that we did receive. You know, of course,  
22 we're going to continue to interact with  
23 the Roane County CAG and ERB as requested.  
24 Those folks have shown a lot of interest.  
25 They represented most of the attendance at

1           our ecological workshops. I think looking  
2           back on it, maybe back in January, the  
3           Roane County CAG suggested that we hold a  
4           series of workshops to try and educate  
5           individuals on this that want to learn  
6           more. Looking back at it in hindsight, I  
7           think those workshops, we had a series of  
8           six of them, were well attended, 15 or 20  
9           people, and they were all very interested  
10          and I think that helped. I think it  
11          helped a lot. I think it helped the  
12          people that don't have the environmental  
13          science or the engineering backgrounds. I  
14          think it helped to communicate what we  
15          were seeing with regard to fish health,  
16          with regard to bird health. I think it  
17          probably did, you know, eliminate a lot of  
18          the comments that we could have received  
19          during that 60-day comment period.

20                 So I know that the next CAG  
21          meeting, I think, Joni, is set for  
22          December 6th. Those are open to  
23          everybody. Of course, EPA and TVA and  
24          TDEC attend those and all the CAG members.  
25          But they're not closed. They're open to

1 the community. So if you are interested  
2 and want to continue to follow this  
3 project, we encourage you to work with  
4 Joni Morgan and her CAG colleagues to get  
5 involved there.

6 I think otherwise from that, I am  
7 done talking here for the formal  
8 presentation. We are now -- we'll move  
9 into kind of a Q and A. Carolyn Hunter is  
10 going to help me facilitate the Q and A  
11 session.

12 CAROLYN HUNTER: Good evening,  
13 everyone. Thank you for coming. So we  
14 have a microphone here and I can also  
15 bring you over a microphone if you would  
16 like to make a comment. We have a court  
17 reporter and so when you give your  
18 comment, make sure you state your name  
19 clearly so that she can get it into the  
20 record and provide your comment or  
21 question and we'll get our comments  
22 started for the action memo. So, sir.

23 LOWELL MALMQUIST: Yes. I have two  
24 questions. The first would concern EPA.  
25 I live just below the junction of the

1 Clinch and Emory and the silt comes in.  
2 Is there any problem with me digging out  
3 under my boat lift so I can continue to  
4 remove my boat because it will fill up and  
5 I have to dig out under there? And if I  
6 can, what do I do with the sediment?  
7 Again, I had 2 and a half inches of fly  
8 ash outside the end of my dock when the  
9 spill occurred.

10 The second question concerns not  
11 EPA, but TVA. Prior to this evening and  
12 today or this week when someone came to  
13 look at my house to buy it -- and I would  
14 wish to buy it -- I wish to downsize --  
15 and they say, is there fly ash out there?  
16 I said, yes, TVA would remove it. Now I  
17 have to say, no, TVA will not remove it.  
18 This is going to decrease my property  
19 value.

20 My question goes back then to TVA.  
21 Since my property value decreases, I will  
22 be before Roane County Equalization Board  
23 to re-ask to have my property value  
24 decreased which will decrease the property  
25 tax coming into Roane County up and down



1           the system. The question goes then to  
2           TVA. Are they going to compensate Roane  
3           County for the loss of property tax due to  
4           the fact that property taxes will decrease  
5           by them not cleaning up all of the fly ash  
6           as they told us when this spill happened?  
7           Thank you. My name is Lowell Malmquist.

8                   CRAIG ZELLER: Thank you for your  
9                   question. The first one I can handle.  
10                  I'll take a stab at that. You said you're  
11                  on the Clinch?

12                   LOWELL MALMQUIST: I live just  
13                  below the junction of the Clinch and the  
14                  Emory. When you come down -- I'm sorry.  
15                  I live below the junction of the Clinch  
16                  and the Emory. If you know where Food  
17                  City is. I live immediately across from  
18                  Food City.

19                   CRAIG ZELLER: Ladd's Landing. Got  
20                  you.

21                   LOWELL MALMQUIST: Yes.

22                   CRAIG ZELLER: That area, as I  
23                  mentioned, earlier in '95 and '97 the  
24                  Department of Energy issued similar  
25                  alternatives for this river system. My

1           understanding is there's a work group,  
2           it's called the Interagency Work Group,  
3           that represents -- there's a DOE contact,  
4           there's an EPA contact and a TDEC contact.

5                     And if there is dredging and  
6           maintenance work around your dock area, I  
7           believe you're encouraged to get ahold of  
8           those people and kind of get that  
9           blessing, you know, ahead of time before  
10          you do that. They can help you with --  
11          it's not saying you can't do it. Because  
12          I think we want to encourage and we want  
13          to accommodate existing recreational uses  
14          that involves using your boats. I  
15          understand how important that is.

16                    But before you do so, I would  
17          encourage you to make a phone call. I can  
18          help you with this. I would encourage you  
19          to make a phone call to those folks to  
20          make sure that, you know, you kind of get  
21          their buy-in, make sure that what you're  
22          doing is not, say, violating or causing  
23          them any heartburn.

24                    Now, with regard to your second  
25          question, I'm going to defer most of that

1           stuff to TVA. But we run into that all  
2           the time, you know. I declare -- you  
3           know, my agency comes in and declares this  
4           site a Superfund site and now Mrs. Jones  
5           can't -- she wants to retire and move, she  
6           wants to leave, she wants to downsize and  
7           she can't sell her house. And, sir, what  
8           we tell these folks is be patient with us.  
9           Now you're on the national priorities  
10          list. There is this perception that your  
11          property has been impacted and that, you  
12          know, people may be at risk. But when we  
13          come in and clean it up, now you've got,  
14          you know, something to show prospective  
15          purchasers that there are no risks.

16                 In this case the cleanup is  
17          monitored natural recovery. But I've got  
18          boxes of data. I mean I could fill --  
19          they stand probably this high. I've got  
20          boxes of data that says there are no human  
21          health risks posed by living on the Clinch  
22          River and using that water or using that  
23          water body, other than the fish  
24          consumption that we talked about because  
25          of the legacy issues. I've got reams of

1 data that show the ecological risks are  
2 pretty low.

3 So I tell real estate agents in  
4 areas like this all the time that if you  
5 have concerns and you're trying to sell  
6 your property and you can't get rid of it,  
7 call me, send me an e-mail. There's been  
8 numerous people over the last four or  
9 five years where property appraisers have  
10 come in and devalued their property  
11 because they were 2 miles up the  
12 Tennessee, you know. I've had to write  
13 letters and TVA has written some of these  
14 letters to say, well, you're 2 miles up  
15 the Tennessee and there's no way that your  
16 property could be impacted by what  
17 happened up there on ERM 2.5.

18 So if you have problems like that  
19 -- and that's part of my job, to be quite  
20 honest with you, is to eliminate or  
21 alleviate or ameliorate those fears of  
22 anybody that's moving into the area or  
23 anybody that's trying to buy real estate  
24 or those types of things. So I've  
25 encouraged folks if you have those

1           problems, a lot of this is education, you  
2           know, taking the time to sit down at the  
3           kitchen table and explain to people what  
4           the risks are. I can do that.

5                   Now, when it comes time to cut  
6           checks for any potential real estate  
7           damage or property reparations, I can't  
8           help you out there. I don't have that  
9           kind of authority. I don't have that  
10          checkbook. You know, my job is to work  
11          under CERCLA and to eliminate these risks  
12          and make sure it's adequately protected,  
13          the human health and environment.

14                   I think we're deferring those  
15          comments -- I know we're deferring those  
16          comments to TVA people. After this  
17          meeting there are about a dozen folks here  
18          that could probably help you out with  
19          that, sir. We can get you right in  
20          contact with the right person.

21                   LOWELL MALMQUIST: May I finish my  
22          comments? I spent three years after  
23          retirement, I'm a retired veterinarian,  
24          working with ATSCR, looking at pollution  
25          coming out of Oak Ridge. There is no

1 pollution coming in there. I understand  
2 that. It's a perception that people have  
3 coming in here.

4 CRAIG ZELLER: Yes.

5 LOWELL MALMQUIST: You know, the  
6 newspapers kill us and they've hurt our  
7 property value. I'm looking at Ron Woody  
8 here. Property taxes, everybody is going  
9 to line up. And that's my question and  
10 it's not to you. You're the 800-pound  
11 gorilla in the room. I'm asking for TVA  
12 to give us an answer, are they going to  
13 recompen -- are they going to compensate  
14 Roane County once again for the drop in  
15 property taxes because you are not going  
16 to clean up as you said you were when you  
17 started. That's my answer to TVA.

18 You said you would clean up and  
19 make Watts Bar Lake as it was before.  
20 You're not and I understand that. I'm not  
21 talking about toxicity issues. I'm  
22 talking about perception that TVA is not  
23 doing what they said they would do. I'm  
24 not questioning you. Thank you.

25 CRAIG ZELLER: Thank you.

1                   BOB GILTANANE: My may is Bob  
2                   Giltane and I'm the owner of Sail Away  
3                   Homes and Land and Real Estate Company. I  
4                   kind of am to the sale of lake property on  
5                   Watts Bar Lake what you are to the bugs.

6                   CRAIG ZELLER: Okay.

7                   BOB GILTANANE: About five days  
8                   after the TVA ash spill, a representative  
9                   of TVA visited my office and made a very  
10                  direct promise that we would be made  
11                  whole. It's a fact, and I've discussed  
12                  this with Ron Woody, that Watts Bar Lake's  
13                  market share of the lake property buyers  
14                  that are coming into this corridor -- I'm  
15                  talking about the buyers of Fort Loudon  
16                  Lake, Tellico Lake, Melton Hill,  
17                  Chickamauga -- of those 100 buyers that  
18                  came in here in 2007, Watts Bar Lake  
19                  enjoyed about 28 of those buyers. It  
20                  increased every year for five years from 8  
21                  percent to 28 percent.

22                  Now we're -- excuse me. We have  
23                  four years of consistent drop in market  
24                  share compared to these other lakes. This  
25                  market share evaluation takes out national

1 real estate trends, national trends. This  
2 is the retirees that are moving to East  
3 Tennessee are going to decide which lake  
4 to buy on. And mysteriously -- not so  
5 mysteriously that changed abruptly with  
6 this event.

7 I want a question put forth to TVA  
8 why they're insisting on not going to  
9 mediation with the business owners. I've  
10 personally lost about \$400,000. Nobody is  
11 talking to us month after month after  
12 month. It's real. And it's just not  
13 property taxes. When I sell to somebody,  
14 they're bringing their money to our banks,  
15 they eat in our restaurants, they bring  
16 other buyers. The reason market share  
17 keeps dropping is we had no market share  
18 in 2009.

19 I just want TVA to bring it back up  
20 and put a priority on it. Because we're  
21 not bugs in the sediment. We're people  
22 with families. We made our decisions to  
23 make our living this way. Not just my  
24 company, but we've got marinas, The  
25 Landing is out of business, closed, UG is



1 bankrupt, Bayside is bankrupt. The  
2 financial implications of this are huge.

3 I just want TVA to bring us to the  
4 top of the pile. And you look at these  
5 alternatives. Come and talk us to about  
6 alternatives. Don't talk to us and say,  
7 we want you to take us to trial. No  
8 person that's ever gone to trial has ever  
9 been made whole. You leave damaged. Then  
10 come to my office and sit with me and I'm  
11 a reasonable guy. I don't want to be made  
12 better. I just want to be made whole and  
13 I want my county made whole.

14 It just seems to me we're spending  
15 all of this money on bugs. I'm a human  
16 being. This guy that lives on this river,  
17 he spent his retirement income to come to  
18 our beautiful county. But the human  
19 beings here, we're just being shoved under  
20 the rug.

21 I stood up at the first TVA meeting  
22 I went to and I said, I just want you to  
23 answer one question for me. Is there any  
24 way I can go and borrow money so I can  
25 live through this, emergency money? Will

1           you just tell me yes or no? I was  
2           promised I'd get an answer. I never have.  
3           Nothing has come our way. Nothing at all.  
4           So I'd like to be brought back to the top  
5           for the businesses in the area. The  
6           businesses are never spoken about, but  
7           we're suffering. Thank you.

8           CRAIG ZELLER: Thank you for your  
9           comment.

10          ANDY AVEL: Hi. I'm Andy Avel and  
11          with the CAG. Craig, your stack of data  
12          that you have probably doesn't include  
13          perception, which as we know is as valid  
14          as fact. But it also probably doesn't  
15          consider combined health effects from  
16          multiple contaminants in the river and it  
17          probably doesn't look at  
18          multigenerational, long-range health  
19          effect data. And we won't know that for  
20          years and years. You know, that may not  
21          show up until our grandkids' kids have the  
22          opportunity to be exposed or to receive  
23          some damage from exposure that we have.

24          But my question to you is, you said  
25          there were two sets of comments, two types

1           of comments. So one type you can respond  
2           to, you have the authority to respond to  
3           and you did. You did a really good job.  
4           I really appreciate that. But there are  
5           another set, another type of comments that  
6           we haven't got a response to. Is this a  
7           TVA document or an EPA document?

8                   CRAIG ZELLER: TVA prepared, EPA  
9           approved with TDEC concurrence.

10                   ANDY AVEL: Is TVA going to have  
11           a public meeting to explain how they  
12           responded to all the comments?

13                   CRAIG ZELLER: I'd have to ask TVA  
14           that.

15                   ANDY AVEL: Can we ask them?  
16           They're here.

17                   CRAIG ZELLER: First of all, just  
18           for a second, why we split that up is  
19           that --

20                   ANDY AVEL: I know why you split it  
21           up.

22                   CRAIG ZELLER: Because it's really  
23           a CERCLA statutory thing.

24                   ANDY AVEL: Exactly.

25                   CRAIG ZELLER: It is. If it's

1           stuff that I can fix, that I have the  
2           authority and the ability, that's my job.

3           ANDY AVEL:   And you're EPA.

4           CRAIG ZELLER:   Right.

5           ANDY AVEL:   So my question is is  
6           TVA going to have a public meeting similar  
7           to this one to explain how they responded  
8           to the comments and give people the  
9           opportunity to ask them questions as to  
10          how they did respond to the other set of  
11          comments?   Because I believe the other set  
12          of comments, the other type of comments,  
13          were a lot more extensive and hit a lot  
14          closer to home to what's been raised so  
15          far.   Can we ask TVA?   Is there somebody  
16          from TVA?   Bob, you're here.   Can you  
17          respond to that comment?

18          BOB DEACY:   Whether it's science  
19          related, community related, after the  
20          meeting we'll have the right folks sitting  
21          over there at the table to address  
22          community-related comments.   If we can  
23          provide an answer tonight, we will.   If  
24          not, we'll get back in writing.   So the  
25          table right over here, you'll see a group

1 of folks right there.

2 ANDY AVEL: So is the answer no,  
3 you're not going to have a public meeting?

4 BOB DEACY: This is part of the  
5 public meeting and that's why TVA came and  
6 we're going to be there to address some of  
7 the comments and we'll take them one by  
8 one.

9 ANDY AVEL: I still don't  
10 understand, Bob. Are you going to have a  
11 public meeting like this to go over the  
12 comments that EPA does not have the  
13 authority to respond to but you do and  
14 tell us how you responded to those  
15 comments and give us the opportunity in a  
16 public forum to ask you those questions  
17 and receive answers?

18 BOB DEACY: At present we haven't  
19 planned a public meeting. We've decided  
20 to participate in these meetings. Again,  
21 we have folks here on hand to address your  
22 comments.

23 ANDY AVEL: Can we request that you  
24 do that? That you provide --

25 BOB DEACY: Yes, you can submit

1           that request.

2           ANDY AVEL:   How do I do it?

3           BOB DEACY:   In writing tonight.

4           CRAIG ZELLER:   Joni.

5           JONI MORGAN:   Hi.   I'm Joni Morgan  
6           with the CAG.   I have one comment and one  
7           question.   My question is very brief about  
8           the north embayment.   You talked about  
9           making the little fish holes and hidey  
10          spots in the middle embayment.   You were  
11          talking about doing that in the north  
12          embayment, but the north embayment is  
13          full.

14          CRAIG ZELLER:   Yes.

15          JONI MORGAN:   Are you going to at  
16          some point drop the water level so you can  
17          do that there, also?

18          CRAIG ZELLER:   That's certainly on  
19          the table for discussion, yeah.

20          JONI MORGAN:   Okay.

21          CRAIG ZELLER:   We were planning on  
22          doing that.   We had a big flood and the  
23          river backed up in that.   Also, we had  
24          water and we decided, yeah, that looked  
25          pretty nice, let's hold that there for

1           now. But, yeah, that's all kind of under  
2           what we're talking about in the Phase 4,  
3           all the restoration work, the new park in  
4           Lakeshore and all of the Berkshire work.  
5           Yeah, that's still being contemplated.

6                   JONI MORGAN: Okay. My comment was  
7           this: I think it's very difficult for  
8           most of us who are living through this to  
9           separate TVA and EPA. And so when we come  
10          here -- I had several other questions and  
11          some of this discussion has brought it to  
12          my attention that it's really nothing that  
13          you can address. It has absolutely  
14          nothing to do with the CERCLA work that  
15          you've been doing. Which I think you guys  
16          have done an incredible job of. I mean  
17          everything looks really nice for the most  
18          part in terms of the lake and everything.

19                   I think at one point we -- there  
20          was some publicity money that had been set  
21          aside and I'm not sure where that had come  
22          from or gone to. But it would be so nice  
23          if there was some way -- and maybe this is  
24          TVA, I don't know -- some way to advertise  
25          to the world, not just -- particularly to

1           our community because so many people are  
2           still -- all they hear is the negative,  
3           all they want to hear is the negative,  
4           they want to feel bad about TVA because  
5           that makes them feel good, I guess, and  
6           they know that it's not going to happen  
7           overnight and so they just want to feel  
8           negative.

9                     But we need something big,  
10           something elaborate to tell the world and  
11           remind all of us that you guys have made a  
12           lot of progress, that things are better  
13           than they were on that night. We're still  
14           not back to where we want to be and it's  
15           still going to take a while.

16                    But for these people going out to  
17           look at property, they need to understand  
18           that we've made a lot of strides and that  
19           it is better and that it will continue to  
20           get better. But if all they hear from the  
21           community is, oh, no, you know, it's just  
22           -- it's the same old stuff. Why go to  
23           these meetings, it's the same old stuff.  
24           Well, they're hearing EPA, not TVA.  
25           They're not always getting the answers



1           that they're really looking for because we  
2           have this separation here.

3           CRAIG ZELLER: Yeah, that's a good  
4           point. It's probably clear to me because  
5           I have to --

6           JONI MORGAN: Because you work in  
7           it.

8           CRAIG ZELLER: Well, I have to  
9           understand where my boundaries are. And  
10          so I guess it's fairly simple. I'll try  
11          and explain it. Anything related to  
12          cleanup of the environment. My job at the  
13          end of the day is to make sure that this  
14          particular project is adequately  
15          protective of the human health the  
16          environment. That's my overall mission  
17          statement. This remedy will get us there.

18          Now, anything related to the  
19          lawsuit, you know, the recent court cases  
20          that was found, you know, by the East  
21          Tennessee District Court, we have  
22          deliberately not been involved because we  
23          were not named in that suit. So I'm under  
24          strict orders from my lawyers, you're not  
25          in that, kid, you say nothing, you know.

1           So we're not involved in anything  
2           litigious or anything legal or anything  
3           with the lawyers. I can't help you.

4           JONI MORGAN: Right.

5           CRAIG ZELLER: And certainly  
6           anything associated with assessment of  
7           potential property damage caused by the  
8           spill and then potentially any reparations  
9           or, you know, payback for that potential  
10          damage, you know, all the 158 properties,  
11          whatever they bought, you know, we haven't  
12          been involved in that at all. Those have  
13          been really easy for me to say, you need  
14          to talk to the TVA people because, again,  
15          we don't have that checkbook, you know.  
16          We don't have any authority. I have no --  
17          I'm powerless to do anything about that.

18          JONI MORGAN: Well, I think the  
19          thing is, though, that this is a public  
20          meeting, Mr. Deacy said that he is here  
21          with TVA people to help address problems.  
22          And so if we can bring those points up,  
23          you know, we're not hammering you, we're  
24          hammering whoever can help with that. And  
25          the comments are going on the record

1           because the court reporter is noting that.  
2           I guess we just need to get better  
3           feedback from that side of the house, so  
4           to speak.

5                   CRAIG ZELLER:    Sure.

6                   JONI MORGAN:    If you're looking at  
7           this whole thing.

8                   CRAIG ZELLER:    Sure.  I understand  
9           that.  And I think -- I believe the way  
10          TVA wants to handle that is at the end of  
11          this when the questions wrap up, please  
12          hang around and maybe there could be a  
13          path forward established somehow to start  
14          to get that dialogue going on.

15                   MS. JOHNSON:    Well, I think the  
16          problem with that is that then it becomes  
17          not a public meeting, it becomes an  
18          individual situation with a kind of a  
19          one-on-one thing.  And I personally have  
20          learned more about this whole system and  
21          how it affects people by listening to  
22          other people's concerns and hearing how  
23          they're misunderstanding things or how  
24          they're not getting the whole picture  
25          because of whatever.

1                   But it would be really nice, I  
2                   think, if we could have more public  
3                   discussion about the other aspects of the  
4                   job that are affecting so much of us. So  
5                   that's my comment.

6                   CRAIG ZELLER: Okay. Thank you for  
7                   your comment. Mr. Beets.

8                   TROY BEETS: Hi, Craig. My name is  
9                   Troy Beets. I have two things. One for  
10                  you on the 30-year monitoring program that  
11                  you're going to do, about that. We have a  
12                  little deal set up that whenever there's  
13                  an increased water flow due to a flood or  
14                  whatever that comes down the Emory, we get  
15                  our drinking water checked again. I would  
16                  like to suggest that if there is an  
17                  incident that makes huge water flow down  
18                  the Emory that you don't wait until you're  
19                  scheduled times to monitor it.

20                  CRAIG ZELLER: Okay.

21                  TROY BEETS: You think about it.  
22                  The other thing, Ms. Morgan, yes, there is  
23                  a million dollars set aside for image  
24                  repair.

25                  JONI MORGAN: Good.

1                   MR. BEETS:   And the TVA Economic  
2                   Development Foundation has that money set  
3                   aside and when it gets to the point to  
4                   where Mr. Zeller gets his stuff done and  
5                   we can make some pretty pictures of before  
6                   and after, I think we'll be coming around  
7                   to show people how the best way,  
8                   Mr. Giltane, is for us to promote this  
9                   area again.

10                  But the money is set aside and  
11                  nobody can touch it for anything except to  
12                  do public image repair. It's sat there  
13                  for three years. It's resisted any type  
14                  of change or if somebody wanted to do  
15                  something else with it. We realize, we  
16                  realize that there is a lot of image  
17                  repair that needs to be done. Because as  
18                  my good friend Pete Malmquist said, it's  
19                  perception.

20                  Now, how is the best way to change  
21                  people's perception of what happened here  
22                  and where we are now? We're going to be  
23                  asking people that. I think one of the  
24                  best answers that I hear is we'll have --  
25                  bring people in here and show them what

1           we have done, what TVA has done, what EPA  
2           has done. Show them the records that  
3           you're seeing tonight where there is no  
4           damage.

5                   I don't think that we can call CNN  
6           in here and tell them that we've done  
7           this. Now, everybody believed CNN when it  
8           come to we were the bad people. But for  
9           us to try to get CNN to put something out  
10          that says we're great again, I don't think  
11          that's going to happen. But we'll be  
12          coming to you to ask you how, how do we  
13          repair the Kingston ash spill public image  
14          problem.

15                   PUBLIC SPEAKER: Call BP.

16                   MR. BEETS: Call BP? And that may  
17          be what we need to do, Frank. But I don't  
18          think it's time yet. I really believe  
19          that when we get something done to where  
20          that we can brag at what we've done and  
21          show it, I think that's what will happen.  
22          Thank you.

23                   CRAIG ZELLER: Thank you, sir.

24                   RON BERRY: My name is Ron Berry,  
25          county commissioner, Roane County.

1 Obviously perception is huge. I can  
2 remember I think the headlines was  
3 "Largest Disaster in History,  
4 Congressional Hearings." So Roane County,  
5 Tennessee was at the forefront of the news  
6 for -- we had a pretty good window there  
7 and unfortunately it wasn't the kind of  
8 news that we wanted to generate.

9 I live on the lake probably  
10 20 miles south down toward White's Creek.  
11 I had relatives who would come to my house  
12 before this spill and they didn't want to  
13 swim in the water because of what they'd  
14 heard from the DOE. They certainly aren't  
15 going to get in the water now at my house  
16 or places adjacent.

17 I think -- and we talk about this  
18 perception with the million dollars and  
19 that's great. A million dollars is a lot  
20 of money. But to repair the kind of  
21 damage that I think we have undertaken,  
22 it's probably not a drop in the bucket.

23 It's hard for you to carry around  
24 all of this information that we have to  
25 share when we get questioned about what's

1           happening, how is our county going to be  
2           made whole again? Obviously, we've -- we  
3           were granted a lot of money to try to help  
4           us. But that's not -- you know, that's  
5           not the real problem.

6                   I think the last time that I  
7           checked, there were three sales of real  
8           estate on the north side of the  
9           interstate. That's in Ladd Landing,  
10          that's the lakefront that he's talking  
11          about. That's prime real estate on the  
12          water over there. And I think those three  
13          were probably folks from TVA who were  
14          relocating from Swan Pond. They had been  
15          paid, so they were coming over, buying  
16          property there.

17                   So I think when we look at how  
18          we're going to be restored, as  
19          Mr. Kilgore indicated on the first night  
20          before a packed room -- and obviously  
21          where that interest has gone now as a lot  
22          of folks I think are just worn out with  
23          where we were and what's taken place. I  
24          don't disagree that perhaps the best thing  
25          is to leave it. But that's saving TVA



1           \$38 million. So, again, where are we?

2           CRAIG ZELLER: Right.

3           RON BERRY: And I think that's why  
4 we need an open session with TVA folks so  
5 that everyone in this county has an  
6 opportunity to hear it straight from them.  
7 And the sooner we can get on the road to  
8 being able to have good information and  
9 being able to get folks in here to see and  
10 to have a presentation without perhaps a  
11 lot of the terminologies and things, that  
12 we can just show what's happened over  
13 there, like your slides generate, and like  
14 what's going to happen. Because TVA does  
15 have some plans over there for our county,  
16 which we appreciate greatly.

17           But we just need to let all of our  
18 folks in this county -- we're responsible  
19 for the folks in our county and we need to  
20 be able to answer to them and to be able  
21 to protect their interests as the leaders  
22 of the county. So that's what I would  
23 hope that we can do.

24           CRAIG ZELLER: I appreciate your  
25 comment. You know, I can't really address

1           the make you whole comments and concerns  
2           like that. But one thing I would like to  
3           just touch on is this perception versus  
4           reality. I understand perception  
5           sometimes does trumps reality. It's hard  
6           to convince people otherwise.

7                     But the one thing I want to say is  
8           swim in this lake. If you're 20 miles  
9           down and you said you've got friends that  
10          come and visit and they won't swim, you  
11          mentioned you're 20 miles downstream on  
12          the Tennessee River, that was never  
13          impacted by this spill. I can't comment  
14          on the DOE. But it's quite a ways down  
15          there. My guess is, it's a guess, that  
16          you're not largely impacted by anything  
17          the DOE did up at Oak Ridge.

18                    I have lots of facts and  
19          unfortunately it is contained in boxes and  
20          reports that probably stacks this high.  
21          But what that says is that it's safe to  
22          swim.

23                   PUBLIC SPEAKER: Just don't eat the  
24          fish.

25                   CRAIG ZELLER: It says don't eat

1           the fish. You know, and we caution you  
2           to, you know, heed those advisories. You  
3           know, limit the -- if you are going to eat  
4           the fish, please limit the amount you do.  
5           But that's the risk.

6                     We looked at to take a very  
7           conservative standpoint -- and you may  
8           have missed all this -- but we assumed in  
9           our human health risk assessment that you  
10          could drink water unfiltered from Watts  
11          Bar. That turned out to be -- no one is  
12          going to do that. But if you wanted to,  
13          you could. Again, no one is drinking  
14          unfiltered lake water because the City of  
15          Kingston water tastes much better, you  
16          know.

17                    But I swim, I kayak. I'm up here  
18          quite a bit. I recreate in the water all  
19          the time. So that's the perception that I  
20          want to kind of -- you know, we deal with  
21          this everywhere, it's that, oh, no, oh,  
22          no, this is bad. And eventually, you  
23          know, we roll our sleeves up and start  
24          digging and we fix the problems. And  
25          that's what I'm here to do and that's what

1           Leo was here to do is fix the problems.

2                   And I'm here to say today, please  
3           enjoy, recreate on this beautiful  
4           resource. It's safe to beach comb, it's  
5           safe to swim. It's just not recommended  
6           that you eat a lot of fish. Otherwise  
7           than that, we're open for business on the  
8           recreation side, you know.

9                   I understand. I empathize. It  
10          takes time to kind of turn that Titanic,  
11          you know, to break down the perception  
12          and get it back to reality. But like I  
13          said, I kayak, I swim in that water body  
14          and I'm not worried about it at all.  
15          And that's what I tell prospective  
16          purchasers.

17                  I work on a lot of jobs with PCB  
18          contamination everywhere else. People,  
19          real estate agents call me all the time,  
20          hey, I'm moving down from the New England  
21          area and I want to live on this lake.  
22          Would you buy it? Yeah. I think this  
23          place is beautiful. I'd buy a house up  
24          there.

25                  So, yes, sir.

1                   FRANZ RAETZER: My name is Franz  
2                   Raetzer. I am not directly affected by  
3                   the spill. But with the discussion here  
4                   and from what I read before, I have one  
5                   big question and it belongs to the  
6                   shoreline.

7                   As far as I understand now is that  
8                   not all ash has been removed from the  
9                   shoreline. Is that correct?

10                  CRAIG ZELLER: Yes. That 500,000  
11                  cubic yards we talked about is in the  
12                  channel.

13                  FRANZ RAETZER: Yes. And that can  
14                  be anywhere from half a foot?

15                  CRAIG ZELLER: Some of that's in  
16                  the channel and some of that's on what we  
17                  called emergent sedimentation, stuff  
18                  that's exposed a low water.

19                  PUBLIC SPEAKER: So if a child  
20                  steps into that shoreline and depending on  
21                  the water level, it might be dry or it  
22                  might be wet looking, and takes a handful  
23                  of that ash and eats it, it is real ash  
24                  the same concentration as it was in the  
25                  dredge cell. Is that correct?

1                   CRAIG ZELLER: Not quite correct.  
2                   We don't -- we've got -- what we have left  
3                   in that river system is not pure ash, you  
4                   know. We have what we call sediment mixed  
5                   with ash, or smash. Now, to address -- if  
6                   I think I know where your question is  
7                   going, we evaluated the scenario of what  
8                   we call beach combing, that when the water  
9                   level drops to 736 in the winter that  
10                  people would be walking on the now exposed  
11                  sediments that were under water in the  
12                  high pool. We assumed child, adolescents  
13                  and adults would be walking along the  
14                  dirt, picking up arrowheads or clam shells  
15                  or whatever and that they would  
16                  incidentally eat sediment. So we've  
17                  looked at that.

18                 They would get bad sediment rubbed  
19                 on their skin, they would eat I think  
20                 100 grams a day per exposure. I would  
21                 argue that, you know, you might eat a  
22                 little bit of sand or a little bit of  
23                 residual ash, but you're probably not  
24                 eating spoonfuls of it. But, again,  
25                 when we do is human health risk

1           assessment, it's extremely conservative.

2           To answer your point or answer your  
3           question, that beach combing scenario,  
4           walking in those exposed mud flats at low  
5           pool, it's fine. We've looked at that and  
6           we've quantified that. Again, that rec --  
7           that's kind of along the recreation  
8           scenario, that's A okay to do. It's  
9           within our acceptable risk range.

10          FRANZ RAETZER: But lead level in  
11          that ash is above the safe limit.

12          CRAIG ZELLER: Well, that hasn't  
13          really become an issue here. From a human  
14          health standpoint, the constituent that  
15          we're most concerned about is arsenic.  
16          Lead has not been a driver here for us for  
17          our risk assessment.

18          FRANZ RAETZER: Okay. Because  
19          they have to remedy the Brownfield in  
20          Knoxville where there is some chemical  
21          contaminations and there they have to  
22          remove everything until they get to clean  
23          ground.

24          CRAIG ZELLER: Right.

25          FRANZ RAETZER: And so you couldn't

1           convince me that this shore ash is really  
2           not that dangerous and that is not the  
3           perception then from a new guy that says,  
4           well, I don't want anything that when my  
5           child walks out there, it's really  
6           contaminated soil.

7           CRAIG ZELLER: Right. Again, it's  
8           in that perception/reality. It's a  
9           difficult thing to address. But I can say  
10          with 100 percent certainty, we have  
11          evaluated that risk for walking those  
12          beaches and those risks are within our  
13          acceptable risk range.

14          FRANZ RAETZER: Yeah. I agree that  
15          it's okay to have what you have used all  
16          of this dredge water that came out of when  
17          that ash was drying and were people --  
18          therefore it was more safe. Okay. But  
19          this area where really that ash is still  
20          lying there, I think -- I think you will  
21          have to remove that ash down to clean sand  
22          about -- I would say to about 3 feet of  
23          below water level. So before that is  
24          done, then I don't think it's really safe.

25          CRAIG ZELLER: Thank you for your



1 comment.

2 DON SIMON: Craig, I've got one  
3 question. What is the permanent dock  
4 that's at the Blue Heron Island that's  
5 been put in recently?

6 CRAIG ZELLER: The blue dock where?

7 RON SIMON: The Blue Heron Island  
8 across from Curtis Humphrey's property. A  
9 permanent dock has been put in at the Blue  
10 Heron Island about mile marker 3.

11 CRAIG ZELLER: 3? 2 and a half?

12 DON SIMON: 2 and a half.

13 CRAIG ZELLER: Yeah. Heron Island  
14 right off of Lakeshore?

15 DON SIMON: Yes. On the northeast  
16 side of that island there's a permanent  
17 dock been put in.

18 CRAIG ZELLER: I haven't seen that  
19 yet. Michelle, have you seen that?

20 MICHELLE CAGLEY: No.

21 DON SIMON: To finish up here to go  
22 along with what Troy said, yes, right now  
23 maybe is not the time to start the  
24 advertising campaign, maybe not at the  
25 site itself. But one million dollars,

1 gentlemen, just try and buy a one-page ad  
2 in the little Roane County newspaper. Try  
3 and get some TV time. One million dollars  
4 for PR is a drop in the bucket. That is  
5 not going to bring this area back. You  
6 can't sell the beauty of the recreation  
7 and the aesthetics of the area with a  
8 million dollars. It's going to take more  
9 than that.

10 Now, to go along with what the  
11 gentleman next to me said on property  
12 taxes. 180 properties were bought by TVA.  
13 The inspector general's report, if I can  
14 remember the number, I think we got  
15 \$160,000 in tax money. 180 properties  
16 will never be back on the tax rolls. More  
17 properties will be sold.

18 In my particular neighborhood,  
19 houses were up for sale before the spill  
20 and they've been up for sale after the  
21 spill. We've asked TVA in different  
22 meetings for a hardship situation. And I  
23 want this on the record. We have a  
24 gentleman whose wife passed away. He's  
25 had one looker in two years. He's reduced

1           the price. He's taken the boat out of it.  
2           He's made extensive updates to the  
3           property. He's taken the furniture out of  
4           it. You can't get people to come out here  
5           and look.

6                   Now, to go with what Troy is  
7           talking about, why you can't do  
8           advertising at this point in time. I've  
9           moved here after living in nine different  
10          states. All my children live out of  
11          state. I have many friends that come in  
12          to waterski with me. There's one constant  
13          comment made every time they come to see  
14          me. In four years it still looks like a  
15          trash dump. And I say trash dump because  
16          Geocon has got garbage laying all over.  
17          The truck traffic is the same as it's been  
18          for four years. I know it's not four  
19          years. We're six or seven weeks from four  
20          years.

21                   But those of us living in the  
22          valley of the spill north of where the  
23          cleanup is going on, we've been living  
24          with this crap forever. You can't  
25          advertise it because it looks like heck.

1 Do something to make Swan Pond Road look  
2 good. All this construction stuff could  
3 turn and go to the factory right off of 70  
4 and take it off our public roads. Yeah,  
5 TVA says they're going to fix the roads  
6 eventually. But why ruin them in the  
7 first place when they could take it over  
8 the site?

9 We just spoke to some TVA people  
10 recently. When you're going to haul all  
11 this clay in, turn at the Gupton farm,  
12 come across where the ball fields are  
13 supposed to be and get off the public  
14 roads. There's a safe issue, there's a  
15 traffic issue, there's road issues.

16 It's like, again, we're talking to  
17 EPA and we should be talking to TVA. I  
18 mean we've got serious issues here. The  
19 inspector general claims that he came out  
20 and interviewed people. He never came  
21 north of the spill. The inspector general  
22 said that the dredges didn't run but from  
23 7:00 a.m. to 7:00 p.m. We've got videos  
24 showing that the dredge was running at  
25 11:00 or 12:00 o'clock at night and TVA

1           didn't offer to move me out of my house  
2           because of the dredge because it was  
3           happening from 7:00 to 7:00.

4                   Those are the kind of things that  
5           we need to talk to TVA about. It's why we  
6           have this lack of trust that's going on  
7           here.

8                   I mean, you know, the recreational  
9           area, you know, we could argue health and  
10          all these kind of things, but we've got  
11          real issues. There's no way to get out of  
12          this area if somebody's wife dies or  
13          somebody gets sick, you can't afford to  
14          stay on your property. We don't see the  
15          TVA coming to the plate and doing what  
16          Mr. Kilgore stated he was going to do and  
17          that is make the property whole and take  
18          care of the public.

19                   This is a beautiful area. It's got  
20          a lot to offer. But we don't see anybody  
21          helping us bring us back to where it  
22          should be.

23                   CRAIG ZELLER: Thank you, Don.  
24          Mr. Steve.

25                   STEVE SCARBOROUGH: I'm Steve

1           Scarborough. I've been on the CAG since  
2           day one. We started with a big mess and  
3           this whole thing is kind of just  
4           schizophrenic. There's two sides of it  
5           that are completely intermingled. But  
6           unfortunately from a legal aspect we've  
7           got the EPA cleanup side and the TVA  
8           legal responsibility side, you know.  
9           There's no way to in fact separate those  
10          two, but we have to deal with them that  
11          way.

12                 CRAIG ZELLER: I understand.

13                 STEVE SCARBOROUGH: And one of the  
14          things I have to say is that from the  
15          first day we had what I can very mildly  
16          call a big damn mess on our hands.  
17          Anybody that was there and saw it in  
18          person realized how horrible the situation  
19          was.

20                 I think the north embayment, if  
21          anybody hasn't been out there recently, I  
22          would encourage you to go because I have  
23          to say that even though we've butted heads  
24          maybe more than once even on a lot of  
25          details and stuff, I really like what I'm

1           seeing on that. The places and areas that  
2           have been remediated are spectacular. I  
3           wouldn't have believed that it was going  
4           to look that good and I'm as critical as  
5           anybody when it comes to environmental  
6           stuff.

7                     At the same time for all the really  
8           good work that has been done to clean  
9           things up, it's been a really horrible job  
10          in making people whole. I was interviewed  
11          today and the news guy says, has TVA done  
12          a good job or a bad job? And the only  
13          thing I could say was, yes. You know, yes  
14          on the remediation.

15                    I think there are hiccups and  
16          stuff. A lot of things didn't go as  
17          quickly as they should have I think, but  
18          we're moving along pretty well. It's  
19          taken a lot longer than anybody wants, but  
20          we're not just stuck in a tunnel anymore.  
21          There is light. I encourage people to go  
22          look at stuff up there in the areas that  
23          have been remediated and it's going to  
24          start happening fast.

25                    On the other hand, TVA has done an

1           absolutely horrible job in making people  
2           whole. You talk about what they can do to  
3           help us. A million dollars is not going  
4           to touch the damage that's been done here  
5           from a perception standpoint.

6                     If you want to help us, come to the  
7           table and mediate. If you can make  
8           homeowners whole -- we've saved you, what,  
9           about \$169 million between the most  
10          expensive remedy and the remedy that's  
11          actually been chosen.

12                    CRAIG ZELLER: That's about right.

13                    STEVE SCARBOROUGH: \$169 million.

14          If you put that as a down payment on  
15          making people whole, that money would go  
16          in to the base level of Roane County's  
17          economy. It would go into the homeowners  
18          who have been harmed. It would let the  
19          people who are stuck in a house cover some  
20          of their lost value and get back out of  
21          it. You know, you would see a better boom  
22          to this county. The biggest economic shot  
23          in the arm that we could possibly have  
24          would be for TVA to come to the table and  
25          mediate.



1                   You know, BPA -- BP was brought up.  
2                   Here is a foreign corporation that has --  
3                   a foreign corporation that's come to the  
4                   table and mediated, spent money, made  
5                   businesses and homeowners whole such as  
6                   they could and yet our own government, our  
7                   own government agency who is supposed to  
8                   represent us is still fighting the very  
9                   people it's supposed to be helping in  
10                  court. This is ridiculous.

11                  Let's get this done. You want to  
12                  start improving our public relations? Get  
13                  these court cases out of the news. Let me  
14                  quit writing about them. Let these  
15                  reporters quit showing up at these  
16                  meetings and hearing us say these things.  
17                  Our problem is not with these guys and the  
18                  cleanup they're doing. Our problem is  
19                  with TVA, our own government, who is  
20                  fighting us and not making us whole.  
21                  Thank you.

22                  CRAIG ZELLER: Thank you, Steve.

23                  CAROLYN HUNTER: Are there any more  
24                  public comments? We have opportunities  
25                  for you guys to provide comments on the

1           action memo for another 30 days and you  
2           can go to TVA or EPA's website to get it.  
3           And any questions that you might have  
4           tonight, there are folks here from TVA  
5           that are going to be over at this corner  
6           area that can answer questions and talk to  
7           you after the meeting.

8                     Does anybody else have anything to  
9           say? Will you please state your name?

10                    ROBIN HILL: My name is Robin Hill.  
11           I live in Farragut at 11504 Mountain View  
12           Road. My question is simple compared to  
13           the rest of the problems you've heard here  
14           tonight. But where can I find the  
15           engineering information in the operation  
16           and maintenance plan and the plan for the  
17           retirement of this thing at some future  
18           time when there's not a Kingston steam  
19           plant running? Where do I find that kind  
20           of information?

21                    CRAIG ZELLER: You're talking about  
22           post operation as a steam plant?

23                    PUBLIC SPEAKER: Post operation.  
24           Because what you've got is a -- for a  
25           cemetery you've got -- you've got a

1 cemetery here for 30 years for ash that  
2 requires perpetual care.

3 CRAIG ZELLER: As far as the  
4 landfill goes, the landfill that we're  
5 closing out that's going to get capped and  
6 closed, there is going to be a long-term  
7 monitoring plan for the whole cell  
8 closure. We're working with that. It's  
9 going to be conducted in accordance with  
10 TDEC regs. TDEC has a solid waste  
11 program. But we're going to meet all  
12 their requirements and there will be  
13 groundwater monitoring around the  
14 perimeter of the cell to make sure that  
15 there's not bad water leaking out into the  
16 river. There will be a regular program to  
17 make sure that the cap stays in place and  
18 the grass keeps growing, the grass gets  
19 mowed. There will be a regular program to  
20 inspect the landfill to make sure that  
21 we're not getting any settling, that we're  
22 getting --

23 ROBIN HILL: You don't need to go  
24 into all that. Just tell me where I can  
25 find it.

1                   CRAIG ZELLER: Okay. It doesn't  
2                   exist yet. Until the system gets closed,  
3                   we've got about another two years. Once  
4                   that -- we'll be working. That's  
5                   something that we have to do. It's not on  
6                   the front burner just simply because we  
7                   have two more years of work. But before  
8                   that landfill is closed out, there will be  
9                   a long-term O & M plan to take care of  
10                  that landfill forever.

11                 ROBIN HILL: My recommendation to  
12                 you, having been a project manager for  
13                 many years, is that you write that plan  
14                 now and give it to these people so they  
15                 can look at it. They're going to have to  
16                 live with it. Waiting until you're  
17                 finished is too late. Put it on paper now  
18                 and sketch it out and get some comments  
19                 back. You might learn something.

20                 CRAIG ZELLER: Good suggestion.  
21                 Thank you.

22                 MARTIN ROBERTS: My name is Martin  
23                 Roberts. I am 65 and I have lived here  
24                 63 years, okay, in that vicinity on Swan  
25                 Pond, Swan Pond Circle. I have two

1 children and raised them both on that lake  
2 in a square-stern canoe. We've fished all  
3 up and down that river. They learned to  
4 swim. We've utilized that lake forever.

5 My son and I were going to fish the  
6 morning of the spill in that slough.  
7 Y'all call it the -- I can't think of the  
8 name.

9 CRAIG ZELLER: Lakeshore Slough,  
10 the east embayment?

11 MARTIN ROBERTS: The other one.

12 CRAIG ZELLER: Berkshire?

13 MARTIN ROBERTS: You call it  
14 Berkshire Slough. Anyway, I had fished  
15 the Lakeshore Drive slough the day before.  
16 Okay. My son called me and said, dad, we  
17 can't go this morning. I said, why? He  
18 said, I'll show you. And I have yet to  
19 get over that scene. Okay.

20 Yes, it does look a lot better.  
21 Yes, I have caught fish out of Lakeshore  
22 Slough this past spring, crappie. I'm an  
23 avid fisherman. I believe I could take  
24 you all the way through Chickamauga and  
25 show you ash floating in little niches and

1           corners down there. The steam plant has  
2           been putting ash in that river since it's  
3           been there. Okay. We shoot fish in the  
4           spring of the year with a bow and arrow  
5           and it's there and it always has been. I  
6           don't know that it ever hurt anybody.

7                     But it's just a heartache. I think  
8           TVA owes the people on Swan Pond,  
9           especially Swan Pond Circle. We have  
10          lived with detours, trucks, gawkers since  
11          day one. And I don't know. An apology  
12          would be nice. But it is a hardship on  
13          us. It has been. Hopefully we'll get  
14          through it some day. Thank you.

15                    CRAIG ZELLER: Thank you, sir.

16                    CAROLYN HUNTER: If anyone wants to  
17          provide a written comment, there's written  
18          comment forms over there on that table, so  
19          if you want to provide something written  
20          or come and speak to the court reporter  
21          after the meeting, as well. So with that,  
22          I think that that --

23                    PUBLIC SPEAKER: How do we submit a  
24          written request for TVA to have a meeting?

25                    CRAIG ZELLER: Yeah. Try to write

1           it down right now, I would say and give  
2           it. Yeah. Bob has got pieces of paper.

3           CAROLYN HUNTER: Thanks everyone  
4           for coming tonight.

5           (PUBLIC COMMENT AFTER MEETING  
6           ADJOURNED AT COURT REPORTER TABLE)

7           GAIL OKULCZYK: I submitted a  
8           public comment. Apparently they didn't  
9           get it. I submitted it by e-mail to the  
10          TVA address that was given. So I would  
11          have been a public commenter, not part of  
12          the Environmental Review Board. So my  
13          comment needs to be counted.

14          (MEETING CONCLUDED.)

## REPORTER'S CERTIFICATE

STATE OF TENNESSEE:  
COUNTY OF HAMILTON:

I, Tracy A. Beamon, Certified Court Reporter and Notary Public, do hereby certify that I reported in machine shorthand the November 8, 2012, Proceedings in the above-styled cause; that the foregoing pages, numbered from 1 to 87, inclusive, were typed under my personal supervision and constitute a true record of said proceedings.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney of counsel connected with the action, nor financially interested in the outcome of the action.

Witness my hand in the City of Chattanooga, County of Hamilton, State of Tennessee, this 3rd day of December, 2012.

Tracy A. Beamon, CCR-1003  
My Commission Expires on the  
18th day of February, 2015.